

NITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MELISSA E. MULLINS,

Plaintiff,

CIVIL CASE NO. 07-12910

v.

DECISION ONE MORTGAGE COMPANY,  
LLC, et al.,

HONORABLE PAUL V. GADOLA  
U.S. DISTRICT COURT

Defendants.

**ORDER GRANTING MOTION TO DISMISS AND COMPEL ARBITRATION**

Before the Court is Defendants' motion to dismiss claims and compel arbitration, filed on October 3, 2007. The motion was filed by Defendants Decision One Mortgage Company, LLC and Intervale Mortgage, LLC. Defendants Homecomings Financial and GMAC Home Services, LLC filed a notice on November 7, 2007, joining the other Defendants and concurring in the requested relief.

The proof of service for Defendants' motion indicates that it was served on Plaintiff via the electronic court filing system on October 3, 2007. Plaintiff has not filed a response opposing the motion. Local Rule 7.1(b) for the Eastern District of Michigan requires that a "respondent opposing a motion must file a response, including a brief and supporting documents then available." E.D. Mich. Local R. 7.1(b) (emphasis added). Local Rule 7.1(d)(1)(B) requires that responses to dispositive motions are due within twenty-one (21) days of service of the motion. E.D. Mich. Local R. 7.1(d)(1)(B). Accordingly, the response to this motion was due on

approximately October 29, 2007. *See* Fed. R. Civ. P. 6(e). Since no response has been filed, the motion is unopposed.

The Court also notes that the parties were order to appear for a scheduling conference on October 29, 2007. On that day, counsel for both sets of Defendants were present for the conference, while counsel for Plaintiff failed to appear. The Court attempted to contact Plaintiff's counsel at that time and left a telephone message. To date, Plaintiff's counsel has not responded to the Court's message.

The Court, having reviewed the filings in this case and the applicable law, will grant Defendants' motion for the reasons stated in Defendants' brief. Plaintiff's claims all involve a mortgage Plaintiff obtained from Defendants on December 1, 2003. At the time that Plaintiff entered into the mortgage agreement, Plaintiff executed an Arbitration Rider which stated that all claims arising from or related to the mortgage agreement were subject to binding arbitration at the request of any party. *See* Motion to Dismiss, exh. B, docket entry #25 (Oct. 3, 2007). The Arbitration Rider states that it is governed by the terms of the Federal Arbitration Act, 9 U.S.C. § 1 *et seq.* The Federal Arbitration Act declares that a written agreement to submit to arbitration is "valid, irrevocable, and enforceable." 9 U.S.C. § 2. Consequently, Defendants are correct in arguing that all of Plaintiff's claims are subject to binding arbitration. The Court therefore finds that this case should be dismissed and that Plaintiff should be compelled to submit all disputes raised against Defendants to binding arbitration. *See Alford v. Dean Witter Reynolds, Inc.*, 975 F.2d 1161, 1164 (5th Cir. 1992).

**ACCORDINGLY, IT IS HEREBY ORDERED** that Defendants' motion to dismiss claims and compel arbitration [docket entry #25] is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiff is required to submit all claims raised against Defendants to binding arbitration in accordance with the December 1, 2003 Arbitration Rider.

**IT IS FURTHER ORDERED** that this case is **DISMISSED**.

**SO ORDERED.**

Dated: December 18, 2007

s/Paul V. Gadola

HONORABLE PAUL V. GADOLA  
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on December 18, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Barry W. Fissel; Kyle S. Krywko; David G. Marowske; Amy E. Muszall; Francis R. Ortiz; Jan E. Slotnick, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: \_\_\_\_\_

\_\_\_\_\_.

s/Ruth A. Brissaud

Ruth A. Brissaud, Case Manager  
(810) 341-7845